

Message Text

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EO 11652: N/A
TAGS: SNAR TH
SUBJECT: NEW DRUG BILL PROVIDES STIFFER PENALTIES FOR TRAFFICKERS

1. ON MARCH 21, IN AN INTERVIEW PUBLISHED BY THE CHINESE LANGUAGE NEWSPAPER CHING HUA, ACTING SECRETARY GENERAL OF THE NARCOTICS CONTROL BOARD LIKHIT THOETSATHIRASAK SAID THAT THE NCB HAS SUBMITTED A NEW ANTI-NARCOTICS BILL TO THE JUDICIAL COUNCIL.
2. THE NEW BILL WILL STRENGTHEN THE THAI ENFORCEMENT EFFORT BY PROVIDING FOR STIFFER PENALTIES FOR NARCOTICS OFFENDERS. ALSO INCLUDED ARE PROVISIONS WIDENING THE POWER OF POLICE TO CONDUCT SEARCHES FOR NARCOTICS WITHOUT WARRANTS, AND FOR COMPULSORY TESTING OF PERSONS EXHIBITING SYMPTOMS OF DRUG ABUSE.
3. UNDER THE NEW LAW PENALTIES FOR DRUG OFFENSE WILL BE MORE SEVERE THAN UNDER THE PRESENT LAW. AN OFFENDER CONVICTED OF PRODUCING, IMPORTING OR EXPORTING CLASS ONE NARCOTICS IS SUBJECT TO A MANDATORY DEATH SENTENCE. THE PENALTY

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FOR DISTRIBUTION OR POSSESSION FOR DISTRIBUTION OF MORE THAN 100 GRAMS OF A CLASS ONE NARCOTICS IS DEATH OR LIFE IMPRISONMENT. IF THE QUANTITY INVOLVED IS LESS THAN 100 GRAMS, THE POSSIBLE PENALTIES INCLUDE IMPRISONMENT FROM FIVE YEARS TO LIFE, OR FINES RANGING FROM 50,000 TO 500,000 BAHT (2500 TO 25,000 DOLLARS). (NOTE: IN THE PROPOSED LAW NARCOTICS ARE SEPARATED INTO FIVE CLASSES

AND PUNISHMENTS ARE SPECIFIED FOR CONVICTIONS IN CASES INVOLVING EACH CLASS OF NARCOTICS. IF THE BILL BECOMES LAW THE MINISTRY OF PUBLIC HEALTH WILL ASSUME RESPONSIBILITY FOR PUBLISHING THE DEFINITION OF EACH CLASS OF NARCOTICS. AT THIS TIME, ONE CAN SAFELY SAY, HOWEVER, THAT HEROIN WILL BE INCLUDED AS A CLASS ONE NARCOTIC).

4. DEATH OR LIFE IMPRISONMENT IS ALSO SPECIFIED FOR OFFENDERS CONVICTED OF PRODUCING, IMPORTING OR EXPORTING MORPHINE OR COCAINE. A PERSON POSSESSING OR DISTRIBUTING MORPHINE OR COCAINE IN AMOUNTS OF MORE THAN 100 GRAMS IS LIABLE TO PENALTIES RANGING FROM 20 YEARS TO LIFE IMPRISONMENT.

5. POLICE EFFORTS WOULD BE FURTHER STRENGTHENED BY THE PROVISION OF THE NEW LAW ENABLING POLICE TO ENTER AND SEARCH BUILDINGS AFTER SUNDOWN. AT PRESENT, OFFICERS NEED A WARRANT, WHICH IS DIFFICULT TO OBTAIN, TO SEARCH A BUILDING BETWEEN SUNDOWN AND SUNRISE. UNDER THE NEW LAW POLICE WOULD BE ALLOWED TO ENTER AND SEARCH A BUILDING AT ANY TIME IF THEY HAVE REASON TO BELIEVE NARCOTICS WILL BE DESTROYED OR MOVED IF THEY DO NOT ACT IMMEDIATELY. NARCOTICS TRAFFICKERS ARE WELL AWARE OF THE SLIM POSSIBILITY OF AFTER DARK SEARCHES UNDER THE PRESENT LAW, AND USE THIS KNOWLEDGE TO THEIR ADVANTAGE.

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6. THE PROPOSED LAW ALSO INCLUDES A PROVISION FOR COMPULSORY MEDICAL TESTING OF PERSONS SHOWING SYMPTOMS OF DRUG ABUSE. PERSONS RESPONDING POSITIVELY TO SUCH TESTS MAY BE ORDERED INTO TREATMENT PROGRAMS.

7. COMMENT: PM KRIANGSAK HAS DISCOURAGED THE USE OF ART 27 OF THE PRESENT CONSTITUTION, WHICH GIVES THE PM THE POWER TO ORDER SUMMARY EXECUTION OF PERSONS WHO ENDANGER THE NATIONAL SECURITY, IN NARCOTICS CASES. KRIANGSAK HAS EMPHASIZED THE NECESSITY OF DEALING WITH THESE CASES IN THE COURTS, AND THE PROPOSED LAW WOULD GREATLY STRENGTHEN THE PUNISHMENTS THE COURTS COULD METE OUT. AS NOTED ABOVE, THE EXPANDED SEARCH POWERS WOULD ALSO AID THE POLICE IN THEIR ENFORCEMENT ROLE.

8. THE PROPOSED LAW IS, WITH MINOR DIFFERENCES, ESSENTIALLY THE SAME DRAFT AS THAT PREPARED UNDER THE THANIN GOVERNMENT. THE CHIEF WEAKNESS IN THE BILL IS THAT THAI POLICE WOULD STILL NOT HAVE THE BENEFIT OF CONSPIRACY PROVISIONS WHICH WOULD AID THEIR EFFORTS TO SUPPRESS LARGE-SCALE TRAFFICKING ORGANIZATIONS. POLICE MAJOR

GENERAL PHAO SARASIN, IN DISCUSSING THE BILL WITH A SENIOR DEA OFFICIAL, NOTED THE OMISSION, BUT EXPRESSED THE THOUGHT THAT THE BILL AS PROPOSED WOULD BE AN IMPROVEMENT, AND THAT HE WOULD LIKE TO SEE THE BILL BECOME LAW WITHOUT THE DELAY THAT ANY ATTEMPT TO FURTHER AMEND IT NOW WOULD ENTAIL.

9. EMBASSY HAS A COPY OF THE PROPOSED LAW IN THAI, AND WILL POUCH A COPY TO THE DEPARTMENT AS SOON AS IT IS TRANSLATED INTO ENGLISH.
WHITEHOUSE

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